

**STATEMENT OF MARSHALL STEVEN COLE, JR.**  
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The honorable Mr. Markey and other distinguished members, thank you for having me here to discuss this very important and time sensitive issue with you today. It is with great honor and respect that I sit before you today. I will try and be brief to allow as much quality time as possible for your questions.

Based on our current events as a nation, there is no better time than the present to address the issues before us today. I am sad to say though, this story has had light shed upon it long before I became involved in its current chapter. I am not here to tell a story of the numerous security faults within the Department of Energy (DOE). These issues have been addressed over the past few years by other people in the upper echelons of our government. My intent is to summarize my service with the Department of Energy and how that service caused me to doubt the effectiveness of the protection given to some of our nations most vital assets.

I served in the US Marine Corps from 1986 until taking a job with the Lawrence Livermore National Laboratory (LLNL), which is managed by the University of California (UC). I began my service with this DOE lab in March of 1998. I was hired as a Security Police Officer III (SPO III) and assigned to work as a member of an aggressive and timely Special Response Team (SRT). We would be assigned to protect the Superblock. Our primary mission was to serve as a counter terrorist team to prevent the theft of Category I and II special nuclear materials (SNM), and protect other assets vital to our national security, as directed.

We were trained in special operations over the next three month period. All of the SRT members who trained with me had previous service in the military and/or law enforcement. All brought something unique and special to this new team. We were motivated and prepared to give 110% to ensure our success and could not wait to explore those so called "gray areas", as the instructors would say, which lie ahead. However, during our training we began to learn that those "gray areas" would one day come to haunt some of us.

After the initial training, course leaders asked for a critique of the past three months and to make recommendations to help improve the program in the future. I soon found out though that this request was not meant to be taken seriously. After the critiques were presented to the PFD training staff, myself and the other newly hired members of the SRT were put in our place. We were told such things as "If you don't like the way things are done here, leave." After most of us had just left successful careers and passed a series of rigorous tests to become Special Response Team members, we were shocked! I was again surprised when we were told- "you (SRT) are a necessary evil and the only reason you are here is because we are mandated to have you. Nothing has never happened here and never will. Why would Joe shit the Ragman come here (LLNL) to steal SNM, when he can buy it on the streets overseas for the price of a hamburger." The feeling of pride in our department and respect for some of our leaders faded with these remarks.

I was speechless at the statements made. Especially, when they came from some of the most senior training and leadership staff within the protective force division (PFD). These statements and others made on this day would serve as motivation over the next three years to try and bring change to the PFD. Myself and others like me would do this by making recommendations to lab supervisors from time to time, and by playing a very active role in our Security Police Officers Association (SPOA). However, over time I soon learned that my recommendations would only lead to more personal trouble.

As time went on, I began to see that we (SRT) were in fact just "a necessary evil." The idea that PFD management really did not care about mission success was becoming quite evident. The trainings which were supposed to happen with local and federal agencies never occurred. This prompted members of the team to ask many questions.

Questions such as could we arrest and for what specific crimes were never directly answered. The question of are we allowed to detain or arrest someone in a life or death situation, was always answered with, "that's a gray area" or "if you do arrest you will be acting as a civilian (citizens arrest) and the lab/UC may not back your decision." These questions and more lead to most of us not really being sure whose side our management was on, and if in fact we had any authority at all. Eventually I learned from other veteran officers that this had always been the standard operating procedure, long before we ever arrived.

As a professional and one who has been tasked with training others in my past to "Deter, Detect And Defeat" terrorism, I was surprised at the way business was conducted at this lab. The old adage, "complacency kills," meant nothing to many of the leaders of LLNL it seemed. This is one of our nations most secret and most important laboratories. A lab which is surrounded by a population of millions of people and potential evil doers. However, the possibility of something serious (i.e.. terrorist attack) ever taking place here was zero! At least that is what our management told us.

I was told that this is the way things are done here and that we are to serve the "UC campus environment" and not cause any waves with the other workers. Did this mean to look the other way when a crime was committed, or challenge the person and suffer the consequences? I found out soon enough though, if there was ever a question of a law being broken, the PFD and the UC would almost always side with the offender. These inaction's by management would lead to problems and cover ups later on during my first year.

As time progressed, the PFD did not. As many people came to work for the PFD, many more seemed to leave. The turnover rate was phenomenal. Most were professionals, who had come to the SRT to serve on what they were told was the best of the best. We had been selected from hundreds of potential applicants and had made the final cut. We were some of the best and we trained hard to achieve this "personal standard." The problem was, our department (PFD), and the UC for the most part, did not want us to achieve a higher level of success. Some in the management chain who tried to make us better were shot down or given a corner office, because they had went against upper level management wishes.

Concerns of safety, leadership and better training to ensure our mission success went unheard. Requests for such basics as first aid and CPR training were out of the question. If you needed first aid, even a bandage, it was recommended you buy your own first aid kit. In a real emergency, our odds of rescue by the on site fire department were slim to none. The idea of being alone and on our own as a team was very real at times. Things that a Police officer on the outside depended on, such as a safety package, we did not have. The SRT had only one option, and that was to press on and fight for change.

In the year 2000 I had decided it was time to start looking at leaving the team. A team of men I had came to trust with my life and professionals in every right. I would also be leaving a job I had originally thought would be my home for the next 20 years. My thoughts of coming here and moving up the chain and applying my expertise, had all but went away. I still tried to give the SRT 110% of my best effort, as my life and others depended on this. However, the stress of working in an unsafe environment because some of our leaders did not seem to care, brought morale to an all time low and placed the security of one of Americas most vital labs in very dangerous situation.

In February of 2000 a situation occurred that could have drastically effected the lab and the nation as a whole. I was working the 6am to 6pm shift on this day. The morning had started out as usual, except word started going around that a bomb threat had been received by our dispatch center against building 332. The area known as the Superblock, which houses large quantities of Category I and II SNM, was now a potential time bomb waiting to go off. There was a full contingent of SRT members on duty at this building. Almost half of our team was now potentially in harms way.

The oncoming shift was directed to go to this same area and start searching for a potential device. What were we going to find? Would it be an Improvised Nuclear Device (IND), an Improvised Explosive Device (IED) or would it be a "black ball" with a wick? We had no idea, as we had never been trained as a team on bomb detection and disposal. Further more, we did not have full access to the office spaces we were supposed to check. To put it bluntly, the morning had just become very "chaotic and real."

My first recommendation to our Sergeant who was a Security police officer II and not even qualified to lead us, was not to send the oncoming SRT into an already dangerous situation. Why risk losing almost an entire response team and worse, special nuclear material, with no one left to recapture it if need be. I was told this was directed by the Protected Area Group Leader and not to worry. This decision made no tactical sense and violated every basic principal I had ever been taught. As most of America slept on this morning, we were in a situation that could have grave implications on the world we lived in. The results of a potential device being set off in this facility would contaminate literally millions of people in the Bay area and have a downwind effect which would be unimaginable to most people. Further more, we knew, as did the DOE that radiological sabotage is one of the most likely terrorist scenarios to be carried out against a DOE facility. Why then was our leadership taking this threat so lightly? Why were they not listening to those who had training in this area of expertise?

We were directed to continue looking for a potential device. Over the next 5 hours the search continued. During this time, contract lab workers were allowed entry into the Superblock. At a time when no one knew if there was an actual device (IND/IED) present, this made our job much more difficult. Myself and a senior Superblock manager recommended to PFD, not to allow the workers entry into the facility. We were overruled in the interest of not stopping the contract work. At one point, a Sergeant who was escorting the workers said "I don't see a problem with it." To make it worse, these workers for the most part were regular civilians, contract employees who had been hired to work temporally in the exclusion area. For all we knew, one of these persons could have been a potential threat. We were experiencing what we had pointed out time and time again to management - a total breakdown in communication and leadership at all levels.

At the conclusion of this event we were told that it had been determined that the threat was deemed a hoax by investigators. This was only after the PFD manager, the Protected Area Group Leader and an office worker were called in to search a office which they suspected could have an explosive device inside. Later, it was said that they knew all along the threat was not real. Why then was the SRT directed to search for a device for over five hours? What if it had been real? I can't even imagine how it would have been explained to the American public.

Later that year, I became a target of PFD management. I was placed under investigation for insubordination. A charge which I was later cleared of, only after I retained an attorney and presented evidence showing the allegations were untrue. I had made too many accurate statements against the way our team was being utilized. This had created much heartburn within management and it appeared as though I had to be kept quiet somehow. Of my original team, there are only 8 out of 24 officers remaining.

In January 2001, I took a job with a local police department where I serve today as respected individual

with something to offer.

As I said in the beginning, this is a personal story which will hopefully help bring more attention to a very serious issue. Our national labs are in a state of much needed assistance. From security of special nuclear material to the safety of it workers, the time to act is now. We must be prepared to act swiftly in dealing with problems which directly effect our nations security.

Thank you for your time and I would be honored to answer any questions you may have concerning this topic.

Marshall Steven Cole, Jr. is a veteran of the United States Marine Corps and has served in the active and reserve forces since 1986. He currently holds the rank of Gunnery Sergeant. His Combat tours of duty include; "Operation Desert Shield" and "Operation Desert Storm" in South West Asia and "Operation Restore Hope" in Somalia. He is the recipient of numerous medals, to include the Navy and Marine Corps Achievement medal. Marshall has over 22 Letters of Commendation and Appreciation for actions both in and out of the Marines, one of which is for bravery. He is a recognized expert in the areas of Combat tactics and Anti/Counter terrorism operations. He was hired by Lawrence Livermore National Laboratory (LLNL) in 1998. He served on the lab's Special Response Team (SRT) with a Top Secret "Q" clearance and was PSAP certified. He left the team in January, 2001. He currently serves as a police officer (Patrol Division) in the City of Stockton, California.